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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,016	05/01/2001	Diego Gastaldi	A-6396	5647

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SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
5030 SUGARLOAF PARKWAY
LAWRENCEVILLE, GA 30044

EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
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2195

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/847,016

Applicant(s)

GASTALDI, DIEGO

Examiner

Lewis A. Bullock, Jr.

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7,8,18-21,27,30,32 and 37-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,8,18-21,27,30,32 and 37-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5, 7, 8, 18-21, 27, 30, 32 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over LOFBERG (U.S. Patent 4,595,950).

As to claim 1, LOFBERG teaches a media services client device (signal receiver / supplementary device), comprising: a memory for storing subscriber identification information (identification information) (col. 11, lines 20-24); and a processor configured to receive the subscriber identification information (identification information) and a media presentation (information signal), wherein the processor is further configured to insert the subscriber identification information (identification information) into the media presentation (information signal), wherein the processor is configured to insert textual information (address / account number / identification information) of the subscriber identification information into the media presentation, wherein the processor is further configured to ensure that the textual information of the subscriber identification information is completely undetectable to a viewer of the media presentation throughout an entire presentation of the media presentation (via the personal identification code being according to the invention introduced in a manner such that it will not influence observably the reproduction) (col. 9, lines 16-42). LOFBERG also teaches that the

identification code is inserted into a frequency and/or time space of the information signal which are used and/or not used during the playback thereof (col. 6, lines 38-41). Official Notice is taken in that a vertical blanking interval is a well known time space of a signal (see the various references previously cited as examples). In addition, Applicant disclosed that the actual inserting of textual information into a VBI is well known (pg. 15, lines 30-31 of specification). Therefore, it would be obvious that the identification code is stored in the vertical blanking interval of the information signal.

As to claim 19, LOFBERG teaches a method for inserting subscriber identification information (identification code) into media presentations (information signal), the method comprising the steps of: receiving a subscriber identification information (via from an ID card or inputted by a remote control) (col. 3, line 62 – col. 4, line 9); storing the subscriber identification information in memory (col. 11, lines 20-24); receiving a subscriber request for a media presentation (col. 4, lines 38-54); inserting the subscriber identification information into the media presentation requested by a subscriber (col. 3, line 62 – col. 4, line 9), wherein the inserting of the subscriber identification information occurs at a media services client device (signal receiver / supplementary device), wherein the media services client device inserts textual information (address / account number / identification information) of the subscriber identification information into the media presentation (information signal), and configuring the textual information of the subscriber identification information to be completely undetectable to a viewer of the media presentation throughout an entire

presentation of the media presentation (via the personal identification code being according to the invention introduced in a manner such that it will not influence observably the reproduction) (col. 9, lines 16-42). LOFBERG also teaches that the identification code is inserted into a frequency and/or time space of the information signal which are used and/or not used during the playback thereof (col. 6, lines 38-41). Official Notice is taken in that a vertical blanking interval is a well known time space of a signal (see the various references previously cited as examples). In addition, Applicant disclosed that the actual inserting of textual information into a VBI is well known (pg. 15, lines 30-31 of specification). Therefore, it would be obvious that the identification code is stored in the vertical blanking interval of the information signal.

As to claim 3, LOFBERG teaches the processor is configured to receive the media presentation from a media services server device (col. 4, lines 38-54). However, LOFBERG does not teach that the presentation is sent over an in band pathway. Official Notice is taken in that it is well known in the art that the presentation is transmitted via out-of-band pathways or in-band pathways. Therefore, it would be obvious to one skilled in the art that the presentation LOFFBERG in order to encode information in a media presentation. See U.S. Patents 5,497,187; 5,257,396 or 5,818,438 which were previously cited for instance.

As to claim 4, LOFBERG teaches the processor is configured to receive the subscriber identification information inputted from a remote control device (col. 13, line 62 – col. 14, line 9).

As to claim 5, LOFBERG teaches the processor is configured to transmit a media presentation request to a media services server (col. 9, lines 1-42). However, LOFBERG does not explicitly teach that the transmission is over an in band pathway. Official Notice is taken in that it is well known in the art that the presentation is transmitted or requested via out-of-band pathways or in-band pathways. Therefore, it would be obvious to one skilled in the art that the presentation LOFFBERG in order to encode information in a media presentation. See U.S. Patents 5,497,187; 5,257,396 or 5,818,438 which were previously cited for instance.

As to claim 7, LOFBERG teaches the subscriber identification information is write protected (information is protected) (col. 14, line 22-36).

As to claim 8, LOFBERG teaches the processor is further configured to demultiplex, decrypt, and decompress (col. 14, line 31-42).

As to claim 18, LOFBERG teaches the processor is configured to insert the textual information of the subscriber identification information into the media presentation to enhance tracing copying of the media presentation (col. 5, line 64-68).

As to claim 20, LOFBERG teaches the receiving subscriber identification information occurs at the media services client device (via the remote control) (col. 13, line 62 – col. 14, line 9).

As to claim 21, LOFBERG teaches the media services client device receives the subscriber identification information and the request for the media presentation from a remote control device (col. 13, line 62 – col. 14, line 65).

As to claim 27, LOFBERG teaches the storing step occurs at the media services client device (col. 11, lines 20-24).

As to claim 30, LOFBERG teaches a step of receiving the media presentation from the media services server device (signal source) (col. 4, lines 38-54).

As to claim 32, LOFBERG teaches a media services server device (signal source) transports the media presentation (information signal) to the media services client device (signal receiver) as a compressed and encrypted media stream (coded) (col. 4, lines 38-54; col. 14, line 31-42).

As to claim 37, LOFBERG teaches the subscriber identification information is write protected (information is protected) (col. 14, line 22-36).

3. Claims 38-40 and 43-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over CITTA (U.S. Patent 4,554,579) in view of LOFBERG (U.S. Patent 4,595,950).

As to claim 38, CITTA teaches a media services server device (head end device) comprising: a processor configured to insert subscriber identification information (subscriber address/ program authorization data) into a media presentation (program signals) and transmit the information and presentation via a network, wherein the textual information of the subscriber information is inserted during the vertical blanking interval of the presentation of the media presentation (col. 8, lines 25-38; col. 3, lines 29-45; col. 2, lines 55-68). It would be obvious that since the head end device embeds and transmits the identification information to the subscriber to be rechecked by the subscriber based on its stored version of the authorization code, the head end must store the identification information also (see also col. 1, lines 35-41). However, CITTA does not explicitly teach that the subscriber identification information is completely undetected to a viewer throughout the entire presentation of the media presentation.

LOFBERG teaches a signal receiver receiving an information signal from a signal source and embedding identification information into the information signal (col. 4, lines 38-54; col. 16, lines 27-51) such that the subscriber identification information is completely undetectable to a viewer of the media presentation throughout an entire presentation of the media presentation (via the personal identification code being according to the invention introduced in a manner such that it will not influence

Art Unit: 2195

observably the reproduction) (col. 9, lines 16-42). It would be obvious to one of ordinary skill in the art that since LOFBERG does not limit to what is considered a signal source and a signal receiver, it can be interpreted that a signal receiver is a head end unit that receives information signals from other head end units or a satellite and relays the information signals to consumers and thereby constitute a server device. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of CITTA with the teachings of LOFBERG in order to facilitate protection against unauthorized copying (col. 5, lines 64-68).

As to claim 39, LOFBERG teaches the processor is configured to receive a request for the media presentation from a media services client device (from a card) (col. 9, lines 1-42).

As to claims 48 and 49, CITTA teaches the subscriber identification information is transmitted as part of a data packet (col. 8, lines 25-38; col. 3, lines 29-45; col. 2, lines 55-68). However, none of the applied prior art references disclose that the packet is a MPEG transport stream having a program map. Official Notice is taken in that a MPEG transport stream having a program map is well-known multimedia transport stream to one of ordinary skill in the art. Therefore, it would be obvious to one skilled in the art at the time of the invention to have the packet and teachings as disclosed above be a MPEG packet in order to communicate in a MPEG format. See U.S. Patents 5,907,366 which was previously cited and U.S. Patent 6,928,165 for instance.

As to claim 44, CITTA teaches the processor is configured to transmit the subscriber identification information to a media services client device (subscriber terminal) (col. 8, lines 25-38; col. 3, lines 29-45; col. 2, lines 55-68).

As to claim 40, 45 and 46, CITTA teaches the two-way communication of packets and subscriber information between a subscriber terminal and head end device (abstract). However, none of the applied prior art references teach that the information is delivered via an out-of-band pathway. Official Notice is taken in that it is well known in the art that subscriber information is transmitted via out-of-band pathways or in-band pathways. Therefore, it would be obvious to one skilled in the art that the subscriber information is sent through the well-known pathways to be inserted in the media presentation as detailed CITTA in order to encode information in a media presentation to be sent to the correct decoder. See U.S. Patents 5,497,187; 5,257,396 or 5,818,438 which were previously cited for instance.

As to claim 47, LOFBERG teaches the processor is configured to encode, compress, and encrypt the subscriber identification information with the media presentation (col. 14, line 31-42).

As to claims 50-56, refer to claims 38-40 and 44-49 for rejection.

4. Claims 41-43, 57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over CITTA in view of LOFBERG as applied to claim 38 above, and further in view of BEYERS (U.S. Patent 5,724,525).

As to claims 41-43, CITTA and LOFBERG substantially disclose the invention above. However, CITTA and LOFBERG do not teach the use of a client device identifier. BEYERS teach the processor is further configured to receive a media services client device identifier (subscriber terminal capabilities) from a media services client device (via the subscriber registering with the billing computer and the information is retrieved from the billing computer or directly registering with the control computer) (col. 5, lines 16-40; col. 24, lines 50-60; col. 25, lines 15-35). Therefore, it would be obvious to one skilled in the art at the time of the invention to combine the teachings of CITTA with the teachings of LOFBERG and BEYERS in order to allow various data to be easily correlate with a system control computer database such that specific subscribers may be selected for messages to be sent based on all criteria (col. 2, lines 56-64).

As to claims 57 and 58, refer to claims 41-43 for rejection.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 3-5, 7, 8, 18-21, 27, 30, 32 and 37-58 have been considered but are moot in view of the new ground(s) of rejection.

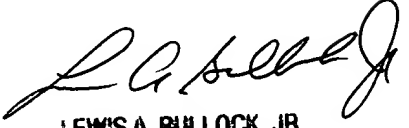
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (571) 272-3759. The examiner can normally be reached on Monday-Friday, 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 4, 2006


LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER